

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 Donald Rucker,

4 Petitioner

5 v.

6 Warden Chestnut, et al.,

7 Respondents

Case No. 2:24-cv-02418-CDS-BNW

Order Dismissing Improperly Commenced
Habeas Proceeding

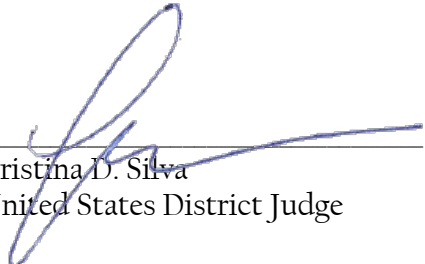
9 Petitioner Donald Rucker, a federal prisoner, has submitted a pleading styled as a
10 petition for writ of habeas corpus. ECF No. 1-1. Petitioner has not filed an application to proceed
11 *in forma pauperis* or paid the filing fee. See 28 U.S.C. § 1915(a)(2) and Local Rules LSR 1-1, 1-2.
12 Because this matter has not been properly commenced, it is dismissed. The dismissal is without
13 prejudice to bringing a **new** action under 28 U.S.C. § 2241 with either the \$5.00 filing fee or a
14 completed application to proceed *in forma pauperis* on the proper form with both an inmate
15 account statement for the past six months and a properly executed financial certificate.

16 I therefore order that this action is dismissed without prejudice. The Clerk is directed to
17 close this case.

18 I further order that a certificate of appealability is denied as jurists of reason would not
19 find my dismissal of this improperly commenced action without prejudice to be debatable or
20 incorrect.

21 I further direct the Clerk to send petitioner two copies each of the application form to
22 proceed *in forma pauperis* for incarcerated persons and the form for filing a petition for a writ of
23 habeas corpus under 28 U.S.C. § 2241 (with the instructions for both) and a copy of the papers
24 that he submitted in this action.

25 Dated: January 2, 2025

26 
Cristina D. Silva
United States District Judge